

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5214 of 2015

Arising Out of PS.Case No. -75 Year- 2014 Thana -SC/ST P.S. District- MUZAFFARPUR

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Baldeo Bhagat @ Baldev Bhakat S/O Late Manjit Bhagat, Resident of Vill-
Khutahi East, P.S.- Paroo, Distt.- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-02-2015

Heard both sides.

The petitioner apprehends his arrest in Muzaffarpur SC/ST P.S. Case No. 75/14 registered under Sections 341, 323, 504, 506, 307, 379/34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant alleged that the petitioner and his two sons, namely, Manoj Bhagat and Pappu Bhagat caught him and assaulted with fists and slaps. Manoj Bhagat abused him by naming his caste. There is allegation of theft also against the petitioners.

Learned counsel for the petitioner submits that the petitioner is an old man, aged about 70 years. There is no allegation of abusing the informant against the petitioner. The injuries are simple in nature. On account of enmity, the petitioner

has been implicated in the case. His two sons, Manoj Bhagat and Pappu Bhagat have already surrendered in the court below.

On the other hand, learned Spl. P.P. opposed the prayer for anticipatory bail and submitted that the case under different sections of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Therefore, the petitioner is not entitled for anticipatory bail.

On perusal of the records, it appears that the allegation against the petitioner is that his two sons assaulted the informant with fists and slaps. There is no allegation of abusing the informant by naming his caste against the petitioner.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, West, Muzaffarpur in Muzaffarpur SC/ST P.S. Case No. 75/14, G.R. No. 1741/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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